

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lee et al.	Group Art Unit: 1792
Application Serial No.: 10/825,968	Examiner: Jolley, Kirsten
Filed: April 15, 2004	Conf. No.: 8220
Title: SYSTEM AND METHOD FOR MARKING TEXTILES WITH NUCLEIC ACIDS	

**RESPONSE TO NOTICE OF IMPROPER REQUEST FOR CONTINUED
EXAMINATION AND REQUEST FOR REFUND**

Mail Stop Response
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Response to Notice of Improper Request for Continued Examination

This Response is filed in response to the Notice of Improper Request for Continued Examination issued on May 25, 2010 in the above-referenced patent application. The USPTO issued a document identified on PAIR as a "Non-Final Office Action" on December 1, 2009; however, the Examiner had checked the box for "Final" Office Action. The applicant therefore filed an Amendment and Response to Final Office Action with a Request for Continued Examination on April 1, 2010.

The applicant spoke with a USPTO representative on May 25, 2010, and clarified that the office action issued on December 1, 2009 was a "Non-Final Office Action". Therefore, the applicant requests that its Request for Continued

Examination be withdrawn, and that the Amendment filed on April 1, 2010 be entered and considered under 37 CFR 1.111.

Request for Refund

On April 1, 2010, the applicant paid \$1,079 in USPTO fees for RCE and extension fees. Because there is no RCE filed, the applicant requests a refund of \$1,014 from the USPTO, representing the paid amount less a one-month extension of \$65 for small entity.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'M. A. Kerr', written in a cursive style.

Dated: May 25, 2010

Michael A. Kerr
Reg. No. 42,722

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